

APPEAL NO. 032690
FILED OCTOBER 29, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on November 12, 2002. The hearing officer determined that respondent 2 (claimant) is not entitled to supplemental income benefits (SIBs) for the third quarter, but that he is entitled to SIBs for the fourth quarter. On September 9, 2003, the hearing officer approved attorney's fees in the amount of \$4,225.00 for dates of service of August 2 through December 30, 2002, and entered an order to that effect (Order). Appellant (attorney) had requested fees in the amount of \$11,550.00. On September 24, 2003, attorney appealed the Order for attorney fees by requesting a "Contested Case Hearing to appeal the attorney's fees order."

DECISION

The jurisdiction of the Appeals Panel has not been invoked.

The Order in this case followed a November 12, 2002, CCH regarding supplemental income benefits (SIBs) entitlement for the third and fourth quarters for the above-named claimant. At the hearing, the hearing officer raised the issue of attorney's fees by stating that he assumed the parties would file fee applications "in the customary manner." The hearing officer then went on to discuss what fees might be awarded to attorney and when the fee applications should be filed. Attorney did not present any evidence regarding his fees.

Regarding the September 24, 2003, letter sent by attorney to the Texas Workers' Compensation Commission requesting a CCH, this was not a request for review by the Appeals Panel and will not be treated as such. Attorney specified that he sought to appeal the decision by requesting a CCH. Rule 152.3(e), provides that: "An attorney, claimant, or carrier who contests the fee ordered by a hearing officer *after a benefit [CCH]* shall request review *by the appeals panel* pursuant to the provisions of § 143.3 of this title." [Emphasis added.] The Order in this case was entered after a CCH on SIBs entitlement where the issue of attorney's fees was brought up and discussed at the CCH. The proper way to appeal the Order was not to request a CCH, but to file a timely request for review, which was not done in this case.

Because a request for review was not filed, the jurisdiction of the Appeals Panel to review the Order has not been invoked. We remind practitioners that they must follow the proper procedural rules in order to properly invoke jurisdiction.

The true corporate name of the insurance carrier is **POTOMAC INSURANCE COMPANY OF ILLINOIS** and the name and address of its registered agent for service of process is

**C. J. FIELDS
5901 NORTH CENTRAL EXPRESSWAY
DALLAS, TEXAS 75206.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Margaret L. Turner
Appeals Judge